

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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No. 16-1307  
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**TARLTON AND SON, INC.**

Petitioner

v.

**NATIONAL LABOR RELATIONS BOARD**

Respondent  
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**ON PETITION FOR REVIEW OF A DECISION AND ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD**

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**STATEMENT OF ISSUES TO BE RAISED**  
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Pursuant to this Court's September 1, 2016 Order, Tarlton and Son, Inc. ("Petitioner") respectfully states that the issues to be raised in the Petition for Review are as follows:

1. Whether there was substantial evidence to support the finding of the Board that Petitioner violated Section 8(a)(1) of the National Labor Relations Act [29 U.S.C. §§158(a)(1)] by maintaining a mutual arbitration policy under which employees cannot pursue employment-related claims in a class or collective action in a judicial or arbitral forum unless agreed to by the employee and Petitioner.
2. Whether the Board acted arbitrarily, failed to apply the proper legal authority, departed from established precedent, or otherwise erred in applying

established law in finding that Petitioner violated Sections 8(a)(1) of the National Labor Relations Act [29 U.S.C. §§ 158(a)(1)] by maintaining a mutual arbitration policy under which employees cannot pursue employment-related claims in a class or collective action in a judicial or arbitral forum unless agreed to by the employee and Petitioner.

3. Whether there was substantial evidence to support the finding of the Board that Petitioner violated Section 8(a)(1) of the National Labor Relations Act [29 U.S.C. §§158(a)(1)] by promulgating a mutual arbitration policy under which employees cannot pursue employment-related claims in a class or collective action in a judicial or arbitral forum unless agreed to by the employee and Petitioner after the filing of a state court class action lawsuit alleging violations of California wage and hour violations by former employees of Petitioner.

4. Whether the Board acted arbitrarily, failed to apply the proper legal authority, departed from established precedent, or otherwise erred in applying established law to the facts at issue in finding that Petitioner violated Section 8(a)(1) of the National Labor Relations Act [29 U.S.C. §§158(a)(1)] by promulgating a mutual arbitration policy under which employees cannot pursue employment-related claims in a class or collective action in a judicial or arbitral forum unless agreed to by the employee and Petitioner after the filing of a state court class action lawsuit alleging violations of California wage and hour violations by former employees of Petitioner.

5. Whether there was substantial evidence to support the finding of the Board that Petitioner violated Section 8(a)(1) of the National Labor Relations Act [29 U.S.C. §§158(a)(1)] by maintaining a mutual arbitration policy for union-represented employees under which employees cannot pursue employment-related claims in a class or collective action in a judicial or arbitral forum unless agreed to by the employee and Petitioner.

6. Whether the Board acted arbitrarily, failed to apply the proper legal authority, departed from established precedent, or otherwise erred in applying established law to the facts at issue in finding that Petitioner violated Section 8(a)(1) of the National Labor Relations Act [29 U.S.C. §§158(a)(1)] by promulgating a mutual arbitration policy for union-represented employees of Petitioner under which employees cannot pursue employment-related claims in a class or collective action in a judicial or arbitral forum unless agreed to by the employee and Petitioner.

7. Whether the Board acted arbitrarily, failed to apply the proper legal authority, departed from established precedent, exceeded its authority, or otherwise erred in applying established law to the facts at issue in issuing its Decision and Order in this case.

8. Whether the Board's Order is sufficiently clear to inform Petitioner of what Petitioner is being commanded to do by the Board.

9. Whether the Board erred by issuing a Decision and Order contrary to the Federal Arbitration Act (“FAA”) as well applicable precedent interpreting the FAA from the United States Supreme Court and this Court.

10. Whether the Board issued a Decision and Order supported by substantial evidence that Petitioner violated Section 8(a)(1) of the National Labor Relations Act [29 U.S.C. §§158(a)(1)].

Respectfully submitted,

DATED: October 3, 2016

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2016, I electronically filed the foregoing document described as **STATEMENT OF ISSUES TO BE RAISED** in Case No. 16-1307 with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

Participants in the case who are registered users will be served by the appellate CM/ECF system.

I further certify that I have mailed the foregoing document by U.S. Mail with first class postage prepaid to the following:

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Dated October 3, 2016 at Los Angeles, California.

/s/ Richard S. Zuniga